REMARKS

Claims 1-85 are pending. Claims 1-85 are rejected. Claims 1, 27, 31 and 42 are amended to correct minor typographical errors and for clarity. No new matter is added and no range of equivalents is intended to surrendered by these amendments.

Claims 27 and 31 are rejected under 35 USC § 112, first and second paragraphs, as based on a disclosure which is not enabling and as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regards to the first paragraph enablement rejection, the office action's reliance on *In re Mayhew* is misplaced. *In re Mayhew* stands for the requirement that a feature which is taught as critical in a specification and is not recited in the claims should result in a rejection under the enablement provision section of 35 USC 112. See MPEP 2164.08(c). The specification does not teach that anything more than what is recited in claims 27 and 31 is critical; indeed, the specification does not teach that what is recited in claims 27 and 31 is critical. Moreover, claims 27 and 31 are enabled. One of ordinary skill in the art can make and use the claimed inventions of claims 27 and 31 without undue experimentation. This is the test of enablement applicable here. See MPEP 2164.01. For example, with regards to claim 27, one of ordinary skill in the art would know of these algorithms. Alternatively, one could simply look to the recited publications for the claimed algorithms if they did not already know the algorithms. Reading or referring to the recited publications for the claimed algorithms is not undue experimentation. It is also noted that the publications are incorporated by reference in the specification, meaning their text should be treated as part of the text of the application as filed. See MPEP 2163.07(b). Consequently, claims 27 and 31 are enabled.

As to the second paragraph indefiniteness rejection, Applicants respectfully note that claims 27 and 31 do point out to an enabling degree the exact requirements the claimed features allude to. Specifically, the claimed features allude to algorithms recited in the publications listed. The publications are particularly and distinctly listed. As described above, one or ordinary skilled in the art would readily know the algorithms. Thus, the claims do point out to an enabling degree the exact requirements the claimed features allude to. There is no prohibition to pointing to subject matter recited in other sources. Acceptability of the claim language depends on whether one of ordinary skill in the art would understand what is claimed; that is the case here. MPEP 2173.05.

Claims 1-85 are rejected under 35 USC § 103(a) as being unpatentable over either of the Beverina et al. publications (2001/0027389 A1; 2001/0027388 A1) (collectively, "Beverina") in view of Orr et al. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art." MPEP 2143.03 (emphasis added). The combined references Beverina and Orr fail to teach or suggest all the claim limitations.

Furthermore, the office action fails to explain with reasonable specificity at least one rejection. "A statement of rejection that includes a large number of rejections must explain with reasonable specificity at least one rejection, otherwise the examiner procedurally fails to establish a *prima facie* case of obviousness." MPEP 2142 (citing *Ex parte Blanc*, 13 USPC2d 1383 (Bd. Pat. App. & Inter. 1989)). Here, there are 85 prior art rejections (all 85 claims are rejected). The office action does not reasonably specify how Beverina and Orr teach or suggest all claim limitations of independent claim 1, or any of the rejected 85 claims. For example, instead of describing which elements of claim 1 Beverina allegedly teaches, and which elements Orr allegedly teaches, and providing citations to each to support the alleged teachings, the office action merely states that Beverina teaches the "gist of the invention."[1] This directly contradicts the MPEP 2141.02 requirement that the invention be considered as a whole and prohibition against "distilling an invention down to the 'gist' or 'thrust'." Indeed, the office action does not describe how Beverina and Orr teach even a single element of claim 1. Consequently, the office action procedurally fails to establish a *prima facie* case of obviousness.

Since the Examiner has not produced a *prima facie* case, the Applicants are "under no obligation to submit evidence of nonobviousness." MPEP 2142. However, in the interest of expediting allowance of the present application, the Applicants provide the following reasons why Beverina and Orr fail to teach or suggest all the claim limitations of claims 1-85.

Beverina and Orr fail to teach or suggest all of the claim elements of claim 1. For example, Beverina and Orr fail to teach or suggest "a mapping module that generates an interactive graphical mapping interface of the site, the interactive mapping interface including links to *environmental data from a site and related documents*." (Emphasis added). Beverina

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[1] The Office Action acknowledges that Beverina does not mention that "generated reports to users may include a 'remediation module' that provides information for cleaning up contaminants" and cites to Orr to overcome this defect. This "feature," however, is found nowhere in the claims and is nonsensical. Claim 1, for example, claims "an application" including, among other elements, "a remediation module...," not a report including a remediation module. Nowhere does claim 1 mention a generated report including a remediation module.

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does not teach or suggest such a mapping module. Beverina does not teach an interactive mapping interface that includes links to environmental data from a site and related documents. The 3D displays generated by Beverina do not include links to environmental data from a site and related documents. Orr does not cure this defect. Therefore, claim 1 is not rendered obvious by Beverina and Orr.

Moreover, Beverina and Orr fail to teach or suggest "a remediation module that *screens remedial technology* for cleaning up COPCs." Beverina does not teach or suggest a remediation module as claimed. Orr does not cure this defect. Orr does not teach a remediation module that screens remedial technology. Indeed, Orr does not teach that remediation options may be presented to the user. Rather, Orr provides "a projection of the public health risk and costs for various changes to the present environment" and "developing various scenarios to determine the impact upon the risk to public health of various forecastable changes." Moreover, even if Orr did teach presenting remediation options to a user, it does not teach or suggest screening remedial technology, as in claim 1. Therefore, claim 1 is not rendered obvious by Beverina and Orr.

It is also worth noting that Beverina does not assess risk as claimed. Beverina defines risk as the likelihood of an event, *i.e.*, a probability of occurrence of an event multiplied by a vulnerability to that event and employs a Bayesian Network to perform these calculation. The Applicants assess human health risks as actual risks or hazards to human health due to the presence of COPCs, not as the probability of occurrence of an event.

For the above reasons, and others, claim 1 is allowable. Dependent claims 2-41 are also allowable for these reasons, and the independent features they recite. Allowance of these claims is respectfully requested.

Independent claim 42 is also not rendered obvious by Beverina and Orr. For example, Beverina and Orr do not teach or suggest:

> a mapping module that generates an interactive graphical mapping interface of the site, the interactive mapping interface including links to environmental data, the environmental data including contaminants of potential concern (COPC) data,

as recited in claim 42. As discussed above, Beverina and Orr do not teach or suggest a mapping interface including links to environmental data including COPC data. Therefore, claim 42 is not rendered obvious by Beverina and Orr.

Likewise, Beverina and Orr do not teach or suggest "a continuous monitoring system module that provides a user interface to the site monitoring systems and the real-time COPC readings from the site monitoring systems," as claimed in claim 42. Beverina does not teach a continuous monitoring system module as claimed. While Orr's system does link with remote sensors and receives data from the remote sensors, it does not provide a user interface with these sensors or site monitoring systems as claimed. Therefore, claim 42 is not rendered obvious by Beverina and Orr.

For the above reasons, and others, claim 42 is allowable. Dependent claims 43-48 are also allowable for these reasons, and the independent features they recite. Allowance of these claims is respectfully requested.

Beverina and Orr also do not render obvious independent claim 49. For example, Beverina and Orr do not teach or suggest "receiving a selection of a region-of-interest (ROI) in the 3D display" and "assessing health risks from COPCs in the ROI," as recited in claim 49. While Beverina does teach a 3D display, it does not teach selecting a ROI in the 3D display and assessing health risks from COPCs in the ROI. Further, as discussed above, Beverina does not assess health risks, but rather determines a risk of occurrence. Orr does not teach or suggest a 3D display. Therefore, claim 49 is not rendered obvious by Beverina and Orr.

Furthermore, Beverina and Orr do not teach or suggest "screening remedial technologies for cleaning up the COPCs in the ROI," as recited in claim 49. See above discussion with regards to "remediation module" in claim 1. Therefore, claim 49 is not rendered obvious by Beverina and Orr.

For the above reasons, and others, claim 49 is allowable. Dependent claims 50-84 are also allowable for these reasons, and the independent features they recite. Allowance of these claims is respectfully requested.

Beverina and Orr do not render obvious independent claim 85. Beverina and Orr do not teach or suggest a graphical user interface as claimed. Beverina and Orr do not teach a graphical user interface with the combinations of sections, map, or buttons recited in claim 85. For example, for the reasons discussed above, Beverina and Orr do not teach or suggest a selectable button corresponding to "a remediation module that screens remedial technology for cleaning up COPCs." Therefore, claim 85 is not rendered obvious by Beverina and Orr. Allowance of claim 85 is respectfully requested.
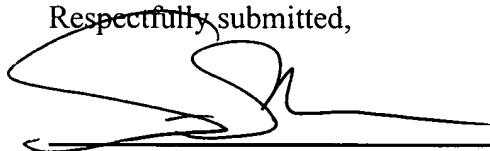
As noted above, the dependent claims recite features that are not taught by Beverina and Orr. Many of these claims are allowable and may stand on their own if rendered in independent form. By way of illustration only, the Examiner is respectfully requested to specifically examine claims 22-31, and 68-77. Each of these claims recite limitations not taught or suggested by Beverina and Orr.

CONCLUSION

Applicant respectfully submits that the application is in condition for allowance. Therefore, Applicant respectfully requests that a timely Notice of Allowance be issued in this application.

Respectfully submitted,

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